

John V. Picone III, Bar No. 187226  
 jpicone@hopkinscarley.com  
 Jeffrey M. Ratinoff, Bar No. 197241  
 jratinoff@hopkinscarley.com  
 HOPKINS & CARLEY  
 A Law Corporation  
 The Letitia Building  
 70 South First Street  
 San Jose, CA 95113-2406  
**mailing address:**  
 P.O. Box 1469  
 San Jose, CA 95109-1469  
 Telephone: (408) 286-9800  
 Facsimile: (408) 998-4790

Attorneys for Plaintiffs and Counter-Defendants  
 NEO4J, INC. and NEO4J SWEDEN AB

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NEO4J, INC., a Delaware corporation, and  
 NEO4J SWEDEN AB, a Swedish  
 corporation,

Plaintiffs,

v.

GRAPH FOUNDATION, INC., an Ohio  
 corporation, GRAPHGRID, INC., an Ohio  
 corporation, and ATOMRAIN INC., a  
 Nevada corporation,

Defendants.

CASE NO. 5:19-cv-06226-EJD

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING DEADLINE FOR  
 FACT DISCOVERY MOTIONS FOR  
 PHASE 1 ISSUES**

**STIPULATION**

Plaintiff and Counter-Defendants Neo4j, Inc. and Neo4j Sweden AB (collectively  
 “Plaintiffs”) and Defendants Graph Foundation, Inc. (“GFI”), GraphGrid, Inc. and AtomRain Inc.  
 in the action entitled *Neo4j, Inc. v. Graph Foundation, Inc.*, Case No. 3:19-cv-06226-EJD (“GFI  
 Action”), by and through the parties’ respective attorneys, hereby submit this stipulation  
 regarding the case schedule as follows:

1. On April 10, 2020, the Court granted the parties’ stipulation concerning the claims,  
 counterclaims and affirmative defenses (“Phase 1 Issues”) that would be subject to the first

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1 motions for summary judgment/adjudication filed by each party. *See* GFI Action, Dkt. No. 45.  
 2 This stipulation also set forth the case schedule for Phase 1.

3 2. On July 16, 2020, the Court granted the parties' stipulation further clarifying the  
 4 scope of the Phase 1 Issues and adjusting the Phase 1 schedule to allow the Court sufficient time  
 5 to rule on Neo4j USA's motion to dismiss challenging the viability of PureThink Defendants'  
 6 trademark abandonment counterclaim and affirmative defense. *See* GFI Action, Dkt. No. 63.

7 3. On July 16, 2020, the Court also granted Plaintiffs leave to file their First  
 8 Amended Complaint ("FAC") in the GFI Action. *See* GFI Action, Dkt. No. 64.

9 4. On August 21, 2020, the Defendants in the GFI Action filed motions to dismiss  
 10 certain claims asserted against them in the FAC. *See* GFI Action, Dkt. Nos. 74-75. These  
 11 motions were set to be heard by this Court on October 29, 2020. That hearing has been vacated  
 12 and the motions were taken under submission by the Court. *See* GFI Action, Dkt. No. 85.

13 5. On September 21, 2020, the Court entered its Order on the Parties' stipulation  
 14 modifying the Phase 1 Case Schedule to extend the deadlines for discovery and summary  
 15 judgment briefing in Phase 1. *See* GFI Action, Dkt. No. 77.

16 6. Under the Court's September 21, 2020 Order, the last day to file discovery  
 17 motions for Phase 1 issues is October 30, 2020 and to complete the deposition of GFI by  
 18 October 23, 2020. *See* GFI Action, Dkt. No. 77.

19 7. The Parties are currently meeting and conferring with respect to several discovery  
 20 disputes, including GFI's responses to two sets of requests for admissions propounded by Neo4j  
 21 USA relating to Phase 1 issues. Due to circumstances relating to the remote nature, unresolved  
 22 discovery issues and time difference of where the witness was located, the parties were unable to  
 23 complete the deposition GFI, which commenced on October 16, 2020. As a result, the parties  
 24 agreed to resume the deposition at 11:00 a.m. Pacific Time on November 6, 2020.

25 8. Due to scheduling issues, including the fact that GFI's counsel is in trial the week  
 26 of October 26, 2020, the Parties will be unable to complete their meet and confer process and the  
 27 competition of the deposition of GFI prior to the October 30, 2020 deadline for discovery  
 28 motions. Therefore, to avoid having to file discovery motions that could be resolved through the

1 meet and confer process and the complete the deposition of GFI, the Parties have agreed that the  
 2 deadline for discovery motions should be modestly extended to accommodate these scheduling  
 3 issues and allow sufficient time for the parties to informally resolve any remaining disputes  
 4 related to the foregoing. The parties further agree that such an extension is in the interest of  
 5 judicial economy because it may reduce, or entirely avoid, the filing of any discovery motions.

6 9. In light of the foregoing, the Parties respectfully request that the Court modify the  
 7 current case schedule in the GFI Action to extend the last day to file fact discovery motions for  
 8 the aforementioned requests for admissions from October 30, 2020 to November 9, 2020, and for  
 9 any issues that arise from the deposition of GFI from October 30, 2020 to November 13, 2020.

10 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

11 Dated: October 27, 2020

HOPKINS & CARLEY  
 A Law Corporation

13 By: /s/ Jeffrey M. Ratnoff  
 Jeffrey M. Ratnoff  
 Attorneys for Plaintiffs NEO4J, INC. and  
 NEO4J SWEDEN AB

15 Dated: October 27, 2020

BERGESON, LLP

17 By: /s/ John D. Pernick  
 John D. Pernick  
 Attorneys for Defendant  
 GRAPH FOUNDATION, INC.

19 Dated: October 27, 2020

SKAGGS FAUCETTE LLP

21 By: /s/ Jeffrey E. Faucette  
 Jeffrey E. Faucette  
 Attorneys for Defendants GRAPHGRID,  
 INC. and ATOMRAIN INC.

23 **IT IS SO ORDERED.**

25 Dated: October 29, 2020

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EDWARD J. DAVILA  
 United States District Court Judge